

**SPECIAL MEETING of the Town Council to be held Tuesday, January 29, 2008 at 7:00 P.M. in the Council Chamber, Town Building, 105 Harrisville Main St., Harrisville for and within the Town of Burrillville.**

**PRESENT: Council President Nancy F. Binns, Councilors Wallace F. Lees, Margaret L. Dudley, John M. Karmozyn Jr. and Cynthia L. Roe**

**MEMBERS ABSENT: Councilor Norman C. Mainville was excused due to vacation. Councilor Kevin M. Blais was excused due to illness.**

**OTHERS PRESENT: Senator Paul W. Fogarty, Representatives Raymond Church and Edwin R. Pacheco; Cheri R. Hall, Director of Parks & Recreation; Steven Welford, Superintendent of Schools.**

**Relative to discussion, consideration and action relative to the Legislative Agenda of the Burrillville Town Council**

**1. Consider and act on pending and proposed legislation:**

**VOTED to adopt the following resolution relative to §33-21.1-14.1 Property Held by Police Departments:**

**Resolution**

**Supporting Legislation**

**Amendments to §33-21.1-14.1. Property Held by Police Departments.-**

**WHEREAS, at the Special Meeting of the Burrillville Town Council**

held on Tuesday, January 29, 2008 at 7:00 P.M. in the Council Chamber, Town Building, and at which time a quorum was present and acting throughout, the Town Council supported an Act to Amend R.I. General Laws §33-21.1-14.1. Property held by police departments.

**NOW THEREFORE BE IT RESOLVED** that §33-21.1-14.1. entitled “Property held by police departments” is hereby amended to read as follows:

**33-21.1-14.1. Property held by police departments. -- (a) All tangible and intangible personal property and any income from this property which has been confiscated by any city, town, or state police department or division of drug control and has been held in the custody of the department for six (6) months or more shall be presumed abandoned. Any city, town, or state police department or division of drug control shall be allowed to keep said tangible and intangible property and any income from this property shall be used by that city, town, or state police department or division of drug control to be used for police related community functions, to replace stolen property and for law enforcement purposes.**

**This act shall take effect upon passage.**

**PASSED AS A RESOLUTION of the Burrillville Town Council this 29th day of January 2008.**

**Motion by Councilor Wallace F. Lees. Seconded by Councilor Cynthia L. Roe. The vote was unanimous by the five members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Margaret L. Dudley, John M. Karmozyn Jr. and Cynthia L. Roe. Councilors Kevin M. Blais and Norman C. Mainville were excused.**

**VOTED to the following resolution relative to §40-13.2-5, Criminal Records Check:**

**Resolution Supporting Legislation**

**Amendments to §40-13.2-5.**

**Criminal Records Check – Employee of Youth Serving Agency.-**

**WHEREAS, at the Special Meeting of the Burrillville Town Council held on January 29, 2008 at 7:00 P.M. in the Council Chamber, Town Building, and at which time a quorum was present and acting throughout, the Town Council supported an Act to Amend R.I. General Laws §40-13.2-5.1 Criminal Records Check – Employee of Youth Serving Agency.**

**NOW THEREFORE BE IT RESOLVED that §40-13.2-5. entitled “Criminal Records Check – Employee of child care facilities which must be licensed by the department” is hereby amended to read as follows:**

**40-13.2-5. Criminal records check – Employee of child care facilities which must be licensed by the department. -- Any person seeking employment, if that employment involves supervisory or disciplinary power over a child or children or involves routine contact with a child or children without the presence of other employees, in any facility which is, or is required to be, licensed or registered with the department or seeking that employment at the training school for youth shall, after acceptance by the employer of the affidavit required by § 40-13.2-3, apply to the bureau of criminal identification of the state police or the local police department for a nationwide criminal records check. The check will conform to applicable federal standards including the taking of fingerprints to identify the applicant. Upon the discovery of any disqualifying information as defined in accordance with the rule promulgated by the director, the bureau of criminal identification of the state police or the local police department will inform the applicant in writing of the nature of the disqualifying information. In addition, the bureau of criminal identification of the state police or the local police department will inform the applicant in writing, without disclosing the nature of the disqualifying information, that an item of disqualifying information has been discovered. In those situations in which no disqualifying information has been found, the bureau of criminal identification of the state police or the local police department will inform both the applicant and the employer in writing of this fact. The employer will maintain on file, subject to inspection by the department, evidence that criminal records checks have been initiated on all employees**

seeking employment after August 1, 1985, and the results of the checks. Failure to maintain that evidence on file will be prima facie grounds to revoke the license or registration of the operator of the facility. It will be the responsibility of the bureau of criminal identification of the state police or the local police department to conduct the nationwide criminal records check pursuant to this section. The nationwide criminal records check will be provided to the applicant for employment without charge.

This act shall take effect upon passage.

**PASSED AS A RESOLUTION** of the Burrillville Town Council this 29th day of January 2008.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Wallace F. Lees. The vote was unanimous by the five members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Margaret L. Dudley, John M. Karmozyn Jr. and Cynthia L. Roe. Councilors Kevin M. Blais and Norman C. Mainville were excused.

**VOTED** to adopt the following resolutions relative to §39-12-2.1, Costs associated with relation of public utility infrastructure:

**Resolution Supporting Legislation**

**Requiring Utilities to Pay for Relocation of Infrastructure**

**WHEREAS, when municipalities undertake road/sidewalk work, they encounter problems with the location of utility poles and the wires, cables, etc. that are on these poles. Many times the poles, located within the Towns' rights of way, are situated such that ADA or other mandates or regulatory compliance cannot be achieved without relocating the apparatus; and**

**WHEREAS, the cost (charges) to relocate these facilities is extraordinary and the process is very time consuming and cumbersome, and the municipalities are expected to bear this excessive cost, even when ADA laws or other mandates require relocation of these facilities; and**

**WHEREAS, it is unclear how these charges (costs) are derived by the utility companies; and**

**WHEREAS, fees and charges should be based on reasonable, verifiable estimates of the actual cost for the service provided; and**

**WHEREAS, it might be prudent to investigate how these charges are determined and who guards against potential abuses.**

**NOW THEREFORE BE IT RESOLVED that we, the Town Council of the Town of Burrillville, respectfully request that the State Legislature and the Governor's Office support Senate Bill 2008 -**

**S 2037, An Act Relating to Public Utilities – Excavation Near Underground Utility Facilities – Costs, which would require that public utilities be responsible for any cost incurred by municipal corporations associated with the temporary or permanent relocation of utility infrastructure such as public utility poles during public works projects within municipal rights of way.**

**BE IT FURTHER RESOLVED** that the town clerk is hereby instructed to submit a copy of this resolution to various City and Town Councils of the State of Rhode Island seeking their consideration and support of this proposal.

**PASSED AS A RESOLUTION** of the Burrillville Town Council this 29th day of January 2008.

### **Resolution Supporting Legislation**

#### **Requiring Utilities to Pay for Relocation of Infrastructure**

**WHEREAS**, when municipalities undertake road/sidewalk work, they encounter problems with the location of utility poles and the wires, cables, etc. that are on these poles. Many times the poles, located within the Towns' rights of way, are situated such that ADA compliance cannot be achieved without relocating the apparatus; and **WHEREAS**, the cost (charges) to relocate these facilities is astronomical and the process is very time consuming and cumbersome, and the municipalities are expected to bear this excessive cost, even when ADA laws require relocation of these facilities; and

**WHEREAS**, it is unclear how those additional charges (costs) are derived by the utility companies; and

**WHEREAS**, fees and charges should be based on reasonable, verifiable estimates of the actual cost for the service provided. It might be prudent to investigate how these charges are determined

**and who guards against potential abuses.**

**NOW THEREFORE BE IT RESOLVED that we, the Town Council of the Town of Burrillville, respectfully request that our Representatives introduce legislation to require utility and other companies who maintain infrastructure within municipal rights of way to pay for all costs to relocate their infrastructure when public works projects are constructed within those rights of way. Specifically, when utilities have to be relocated to meet Federal or State mandates, including but not limited to the “Americans with Disabilities Act”, the utility or other company will bear all costs to relocate their infrastructure.**

**BE IT FURTHER RESOLVED that the town clerk is hereby instructed to submit a copy of this resolution to various City and Town Councils of the State of Rhode Island seeking their consideration and support of this proposal.**

**PASSED AS A RESOLUTION of the Burrillville Town Council this 29th day of January 2008.**

**Motion by Councilor Margaret L. Dudley. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous by the five members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Margaret L. Dudley, John M. Karmozyn Jr. and Cynthia L. Roe. Councilors Kevin M. Blais and Norman C. Mainville were excused.**

**Discussion: Senator Paul W. Fogarty noted that he had introduced**



**Bill 2008 - S 2037 and recommended that the Town Council seek support of other communities and participate in the committee hearings.**

**VOTED to adopt the following resolution relative to §16-7-44, School housing projects:**

**Resolution**

**in Support of Amendments to**

**§16-7-44. School housing project costs**

**WHEREAS, current provisions of §16-7-44. School housing project costs which require that interest payments may only be included in project costs provided that the bonds for these projects are issued through the Rhode Island Health, Education and Building Corporation limit the ability of some communities in securing financing for school projects; and,**

**WHEREAS, the requirement that the bonds be issued through the Rhode Island Health, Education and Building Corporation negatively impacts the timeframe for issuance of bonds and acquisition of funds; and**

**WHEREAS, when school bonds must be issued through the Rhode Island Health, Education and Building Corporation, municipalities are unable to combine bond issues, resulting in duplicate costs; and**

**WHEREAS, those communities with a strong financial standing may secure more favorable rates by directly financing projects; and,**

**WHEREAS, communities should be encouraged to finance at the best possible rates; and**

**WHEREAS, interest payments should be included in school housing projects costs for projects in communities that have secured favorable financing due to their strong financial standing.**

**NOW THEREFORE BE IT RESOLVED THAT we, the Town Council of the Town of Burrillville on this 29th day of January 2008 do hereby respectfully request that RIGL §16-7-44. School housing project costs be amended to read as follows:**

**§ 16-7-44 School housing project costs. – School housing project costs, the date of completion of school housing projects, and the applicable amount of school housing project cost commitments shall be in accordance with the regulations of the commissioner of elementary and secondary education and the provisions of §§ 16-7-35 – 16-7-47; provided, however, that school housing project costs shall include the purchase of sites, buildings, and equipment, the construction of buildings, and additions or renovations of existing buildings and/or facilities. School housing project costs shall include the cost of interest payment on any bond issued after July 1, 1988, provided that such bond is approved by the voters on or before June 30, 2003 or issued by a municipal public building authority or by the appropriate approving authority on or before June 30, 2003. For those projects approved after June 30, 2003, interest payments may only be included in project costs provided that the bonds for these projects**

are issued through the Rhode Island Health, Education and Building Corporation or from communities with a stand alone investment grade rating of at least A as established by Fitch Ratings, Ltd., Moody's Investors Service, Inc. or Standard & Poor's Rating Service. School housing project costs shall exclude: (1) any bond issuance costs incurred by the municipality or regional school district; (2) demolition costs for buildings, facilities, or sites deemed surplus by the school committee; and (3) restrictions pursuant to § 6-7-44.1 below. A building, facility, or site is declared surplus by a school committee when the committee no longer has such building, facility, or site under its direct care and control and transfers control to the municipality, § 16-2-15. The board of regents for elementary and secondary education will promulgate rules and regulations for the administration of this section. These rules and regulations may provide for the use of lease revenue bonds, capital leases, or capital reserve funding, to finance school housing provided that the term of any bond, or capital lease shall not be longer than the useful life of the project and these instruments are subject to the public review and voter approval otherwise required by law for the issuance of bonds or capital leases. Cities or towns issuing bonds, or leases issued by municipal public buildings authority for the benefit of a local community pursuant to chapter 50 of title 45 shall not require voter approval.

**BE IT FURTHER RESOLVED** that the town clerk is hereby instructed to submit a copy of this resolution to various City and Town Councils

**of the State of Rhode Island seeking their consideration and support of this proposal.**

**Adopted this 29th day of January 2008**

**Motion by Councilor John M. Karmozyn, Jr. Seconded by Councilor Wallace F. Lees. The vote was unanimous by the five members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Margaret L. Dudley, John M. Karmozyn Jr. and Cynthia L. Roe. Councilors Kevin M. Blais and Norman C. Mainville were excused.**

**VOTED to adopt the following resolutions relative to §31-22-11.9, Acts related to motor vehicles:**

### **Resolution**

**Supporting House Bill 2008 – H 7067**

**An Act Relating to Motor and Other Vehicles**

**WHEREAS, the Town Council of the Town of Burrillville recognizes the serious hazards presented by drivers who use mobile telephones and other electronic wireless communication devices while driving; and**

**WHEREAS, many accidents have been attributed to the use of these devices.**

**NOW THEREFORE BE IT RESOLVED** that we, the Town Council of the Town of Burrillville, respectfully request that the State Legislature and the Governor's Office support House Bill 2008 -

**H 7067, an Act Relating to Motor and Other Vehicles, which would prohibit any minor from sending, writing or reading a text message while driving.**

**BE IT FURTHER RESOLVED** that the town clerk is hereby instructed to submit a copy of this resolution to various City and Town Councils of the State of Rhode Island seeking their consideration and support of this proposal.

**PASSED AS A RESOLUTION** of the Burrillville Town Council this 29th day of January 2008.

**Motion by Councilor Margaret L. Dudley. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous by the five members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Margaret L. Dudley, John M. Karmozyn Jr. and Cynthia L. Roe. Councilors Kevin M. Blais and Norman C. Mainville were excused.**

**VOTED to adopt resolutions as follows relative to §31-22-30, Mobile telephone usage:**

**Resolution**

**Supporting House Bill 2008 – S 2086**

## **An Act Relating to Motor and Other Vehicles**

**WHEREAS, the Town Council of the Town of Burrillville recognizes the serious hazards presented by drivers who use mobile telephones and other electronic wireless communication devices while driving; and**

**WHEREAS, many accidents have been attributed to the use of these devices.**

**NOW THEREFORE BE IT RESOLVED that we, the Town Council of the Town of Burrillville, respectfully request that the State Legislature and the Governor's Office support Senate Bill 2008 -**

**S 2086, an Act Relating to Motor and Other Vehicles, which would make unlawful the use of a non-hands-free mobile telephone and/or text messaging while operating a motor vehicle except for public safety personnel.**

**BE IT FURTHER RESOLVED that the town clerk is hereby instructed to submit a copy of this resolution to various City and Town Councils of the State of Rhode Island seeking their consideration and support of this proposal.**

**PASSED AS A RESOLUTION of the Burrillville Town Council this 29th day of January 2008.**

**VOTED to adopt the following resolution relative to §10-5.1, Joint and several liability:**

## **Resolution Supporting Senate Bill 2008 – S2111**

### **An Act Relating to Courts – Joint and Several Liability**

**At a Special Meeting of the Burrillville Town Council held on Tuesday, January 29, 2008 at 7:00 P.M. in the Town Council Chambers, Town Building, 105 Harrisville Main Street, Harrisville, RI 02830, and at which time a quorum was present and acting throughout, the Town Council of the Town of Burrillville voted to support Senate Bill 2008 – S 2111, An Act Relating to Courts– Joint and Several Liability, which would provide that the liability of a defendant for damages would be several only and not be joint where the defendant's act or omission constituted no more than twenty-five (25%) of the cause of damages sustained by the plaintiff.**

**Passed as a resolution of the Burrillville Town Council this 29th day of January 2008.**

**Motion by Councilor Margaret L. Dudley. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous by the five members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Margaret L. Dudley, John M. Karmozyn Jr. and Cynthia L. Roe. Councilors Kevin M. Blais and Norman C. Mainville were excused.**

**VOTED to adopt the following resolutions relative to §9-21-10, Interest in civil actions, with the proviso that, upon review, the Town Council could authorize additional resolutions to support legislation that**

**supports the concept.**

## **Resolution Supporting Senate Bill 2008 – S 2114**

### **An Act Relating to Courts and Civil Procedures**

**At a Special Meeting of the Burrillville Town Council held on Tuesday, January 29, 2008 at 7:00 P.M. in the Town Council Chambers, Town Building, 105 Harrisville Main Street, Harrisville, RI 02830, and at which time a quorum was present and acting throughout, the Town Council of the Town of Burrillville voted to support Senate Bill 2008 – S 2114, An Act Relating to Courts and Civil Procedure, which would reduce the interest percentage to be added in civil actions from twelve percent (12%) to six percent (6%).**

**Passed as a resolution of the Burrillville Town Council this 29th day of January 2008.**

## **Resolution Supporting House Bill 2008 – H 7396**

### **An Act Relating to Courts and Civil Procedures**

**At a Special Meeting of the Burrillville Town Council held on Tuesday, January 29, 2008 at 7:00 P.M. in the Town Council Chambers, Town Building, 105 Harrisville Main Street, Harrisville, RI 02830, and at which time a quorum was present and acting throughout, the Town Council of the Town of Burrillville voted to support House Bill 2008 – H 7396, An Act Relating to Courts and Civil Procedure, which would**



**reduce the interest percentage to be added in civil actions from twelve percent (12%) to six percent (6%).**

**Passed as a resolution of the Burrillville Town Council this 29th day of January 2008.**

**Motion by Councilor John M. Karmozyn, Jr. Seconded by Councilor Cynthia L. Roe. The vote was unanimous by the five members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Margaret L. Dudley, John M. Karmozyn Jr. and Cynthia L. Roe. Councilors Kevin M. Blais and Norman C. Mainville were excused.**

**VOTED to support the tort cap legislation when introduced, and a resolution to be completed, with the approval of the Town Council President and forwarded to the legislative delegation..**

**Motion by Councilor Margaret L. Dudley. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous by the five members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Margaret L. Dudley, John M. Karmozyn Jr. and Cynthia L. Roe. Councilors Kevin M. Blais and Norman C. Mainville were excused.**

**VOTED to adopt the following resolution relative to §44-25-1, Tax**

**imposed:**

**Resolution Supporting House Bill 2008 – H 7054**

**An Act Relating to Courts and Civil Procedures**

**At a Special Meeting of the Burrillville Town Council held on Tuesday, January 29, 2008 at 7:00 P.M. in the Town Council Chambers, Town Building, 105 Harrisville Main Street, Harrisville, RI 02830, and at which time a quorum was present and acting throughout, the Town Council of the Town of Burrillville voted to support House Bill 2008 – H 7054, An Act Relating to Taxation – Real Estate Conveyance Tax, that would increase the amount of monies which municipalities receive from the real estate conveyance tax from \$1.10 to \$1.40 per every \$2.00 of the face value of the stamps.**

**Passed as a resolution of the Burrillville Town Council this 29th day of January 2008.**

**Motion by Councilor Margaret L. Dudley. Seconded by Councilor Cynthia L. Roe. The vote was unanimous by the five members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Margaret L. Dudley, John M. Karmozyn Jr. and Cynthia L. Roe. Councilors Kevin M. Blais and Norman C. Mainville were excused.**

**Note: Council President Nancy F. Binns noted that Steven Welford,**

**Superintendent of Schools, had arrived at the meeting.**

**VOTED to adopt the following resolution relative to §42-46-6, relating to State Affairs and Government – Open Meetings – School Committees:**

**Resolution Supporting House Bill 2008 – H 7220**

**An Act Relating to State Affairs of Government**

**– Open Meetings – School Committees**

**At a Special Meeting of the Burrillville Town Council held on Tuesday, January 29, 2008 at 7:00 P.M. in the Town Council Chambers, Town Building, 105 Harrisville Main Street, Harrisville, RI 02830, and at which time a quorum was present and acting throughout, the Town Council of the Town of Burrillville voted to support House Bill 2008 – H 7220, An Act Relating to State Affairs and Government – Open Meetings – School Committees, that would amend the open meetings law by permitting school committees to satisfy the publication requirements regarding their meetings through publication on a website maintained by the school committee or by publication in a newspaper.**

**Passed as a resolution of the Burrillville Town Council this 29th day of January 2008.**

**Motion by Councilor Wallace F. Lees. Seconded by Councilor John**

**M. Karmozyn, Jr. The vote was unanimous by the five members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Margaret L. Dudley, John M. Karmozyn Jr. and Cynthia L. Roe. Councilors Kevin M. Blais and Norman C. Mainville were excused.**

## **2. Discussion, consideration and action relative to the 2008 legislation**

**Senator Fogarty discussed expectations for state funding. Representative Church indicated that the House of Representatives had appointed a committee to review mandates and asked the Council to inform him of any that they believe had run their course. There was discussion of the status of Eleanor Slater Hospital, Zambarano Unit. Representative Pacheco reviewed his suggestions for cost-savings at the state level.**

**Michael C. Wood, Town Manager, enumerated the following items of concern to the town, urging the legislators' support of the town's position: the long-term impact of the tax cap legislation; the League of Cities and Towns 2008 Legislative agenda; the costs associated with the program for inspection of dams; an issue related to a proposed requirement to revisit a land-fill that was capped under earlier standards; the high-cost of the three-year revaluation schedule; the importance of maintaining costs relative to Rhode Island Resource Recovery Corporation (RIRRC); possible legislation**

related to Ocean State Power reauthorization; the need to maintain distressed community status; the importance of the Historic Tax Credits.

Steven Welford, Superintendent of Schools, suggested that §16-77-6 and §16.21-1(B) be repealed. He discussed the provisions of these statutes and the financial impact. Mr. Welford spoke of allowing user fees and recommended cost-savings for health insurance. These items were discussed.

Mr. Welford reviewed pending legislation relative to education, requesting support for 08-H7042 and 08-H7261 relative to school bus districts, 08-H7043 and 08-S2107 relative to extraordinary services reimbursements, 08-H7160 relative to residence of children for school purposes and opposition to 08-S2102 relative to eligibility for attendance and 08-S2103 relative to athletic directors.

There was discussion relative to the merits of the School Accountability for Learning and Teaching (SALT) surveys and SALT visits to the schools.

Cheri R. Hall, Director of Parks & Recreation, asked the legislators to follow-up on the delay in the open space and recreation grant round.

Councilor Margaret L. Dudley made suggestions for cost-savings at the state level relative to: health insurance for legislators; the budget

for the legislature; expenses related to services for illegal aliens; amending regulations relative to long-term care to require long-term care insurance; and cost-savings rules for all state employees must be equal.

There was discussion of a proposal for requiring municipalities to enroll their employees in a state program for health insurance.

Timothy F. Kane, Town Solicitor, informed the legislators that the town might submit legislation relative to dam management districts and possibly voluntary historic districts. There was discussion of historic tax credits.

**3. VOTED to adjourn at 9:07 P.M.**

Motion by Councilor Wallace F. Lees. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous by the five members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Margaret L. Dudley, John M. Karmozyn Jr. and Cynthia L. Roe. Councilors Kevin M. Blais and Norman C. Mainville were excused.

The meeting was taped. The tape is on file with the record of the meeting.

**Louise R. Phaneuf, Town Clerk**